



National Science Foundation • Office of the Inspector General
4201 Wilson Boulevard, Suite II-705, Arlington, Virginia 22230

6 March 2012

VIA EMAIL

Jason Smathers
MuckRock News
Department MR 1034
P.O. Box 55819
Boston, MA 02205-5819
1034-74592809@requests.muckrock.com

Re: FOIA Request No. 12-31

Dear Mr. Smathers:

This letter responds to your Freedom of Information Act (FOIA, 5 U.S.C. § 552) request, which we received on 10 February 2012 (following a referral from the Office of Government Ethics to the National Science Foundation Office of General Counsel, which forwarded the request to us), for “[a]ll OGE Form[s] 202, ‘Notice of Conflict of Interest Referral Form’ received in calendar year 2011.”

Under FOIA exemption (b)(7)(A), records are exempt from disclosure if the “production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings.” Your request involves records the production of which could reasonably be expected to interfere with an ongoing enforcement proceeding. Therefore, your FOIA request is denied under FOIA exemption (b)(7)(A).

If you are not satisfied with my decision, you may appeal to the Inspector General, Allison Lerner, by writing to her at the National Science Foundation, 4201 Wilson Boulevard, Arlington VA 22230. Alternatively, you may appeal directly to the General Counsel of the Foundation, at the same address.¹ If you wish to appeal to either the

¹ For appeals to NSF’s General Counsel, note the requirements of 45 C.F.R. § 612.9(a): “You must make your appeal in writing and it must be received by the Office of the General Counsel within ten days of the receipt of the denial (weekends, legal holidays, and the date of receipt excluded). Clearly mark your appeal letter and the envelope ‘Freedom of Information Act

Inspector General or the General Counsel, you must file your appeal within ten business days of receipt of this letter. If you submit an appeal to the Inspector General and her decision is negative, you may then appeal to the General Counsel. All appeals will be acted on within 20 business days after receipt.

Sincerely,

A handwritten signature in black ink that reads "Stephen W. Bross". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Stephen W. Bross, J.D.
Investigative & FOIA Attorney

Appeal.' Your appeal letter must include a copy of your written request and the denial together with any written argument you wish to submit."